

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

ERICSSON INC., ET AL.

v.

APPLE, INC.

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Case No. 2:15-CV-290-JRG-RSP

ORDER

Before the Court is the parties' Joint Motion for Entry of an Order Focusing Patent Claims and Prior Art (Dkt. No. 54). In their motion, the parties jointly seek entry of an order focusing patent claims and prior art, but disagree as to the limits on the number of claims and prior art references that may be asserted. (Mot. at 1.) Specifically, Plaintiffs seek to impose the Court's limits as set forth in its Model Order Focusing Patent Claims and Prior Art ("Model Order") (*id.* at 1–2, "Model Order") and Defendant seeks a unilateral increase in its limits by at least fifty percent as compared to the limits set forth in the Model Order. (*Id.* at 2–5.)

The Court observes that the parties do not appear to dispute that *some* increase to the model limits is necessary in the instant matter. (*See, e.g.*, Mot. at 4–5) ("[D]uring the parties' meet and confer, and in response to Apple's proposal to increase the number of prior art references, Ericsson requested an increase in the number of asserted claims at the preliminary election stage."). Rather, the parties' dispute turns on the degree to which the limits should be increased.

After reviewing the parties' respective positions, the Court finds that each side is entitled to a fifty-percent increase to the limits set forth in the Model Order.

Accordingly, within five (5) days of the date of this Order, the parties are hereby **ORDERED** to file a joint motion reflecting the parties' previous agreements, and the Court's

resolution of the parties' remaining disputes as set forth in this Order.

SIGNED this 21st day of August, 2015.


ROY S. PAYNE
UNITED STATES MAGISTRATE JUDGE